

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

SPECTRUM WT, *et al.*,
Plaintiffs,

v.
WALTER WENDLER, *et al.*,
Defendants.

No. 2:23-cv-00048

**DEFENDANT WALTER WENDLER’S RESPONSE IN OPPOSITION TO PLAINTIFF’S
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rules 7.1 and 56.1-56.7, Defendant Wendler filed his Response in Opposition to Plaintiff Spectrum WT’s Motion for Summary Judgment (ECF No. 143) (the “MSJ”), and requests that the Court deny the MSJ in all respects, and respectfully would show the Court as follows:

I. Summary of Response.

Plaintiff Spectrum WT seeks summary judgment as to Causes of Action 1, 2, and 3 alleged in its First Amended Complaint. (ECF No. 28). Such causes of action seek only forward-looking injunctive and declaratory relief. Spectrum WT claims that Defendant Wendler will engage in violations of the First Amendment to the United States Constitution, specifically its command that “Congress shall make no law . . . abridging the freedom of speech”. From these ten words, Spectrum WT extrapolates “three distinct First Amendment violations: unconstitutional viewpoint discrimination, unconstitutional prior restraint of speech, and unconstitutional content-based restriction of speech.” (ECF No. 143, at 1). The evidence will show that there are material disputed facts that make summary judgment in this case unwarranted and improper and that Defendant Wendler has engaged in, and will engage in, no violations of the First Amendment against Spectrum WT.

As authorized by Local Rule 56.4(b) each of the matters required in Local Rule 56.4(a) will be set forth in Defendant Wendler’s Brief in Opposition to Plaintiff’s Motion for Summary Judgment.

II. Request for Relief.

Defendant Wendler respectfully requests that the Court deny Plaintiff Spectrum WT's Motion for Summary Judgment in all respects; dismiss this case; and enter final judgment that Plaintiff Spectrum WT shall take nothing in this case.

Date: January 7, 2026

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

/s/ David Bryant

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CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to all registered CM/ECF users.

/s/ David Bryant

DAVID BRYANT